

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

CLERK US DISTRICT COURT
NORTHERN DIST. OF TX
FILED

2017 JAN -9 PM 3:34

DEPUTY CLERK

UNITED STATES OF AMERICA

v.

KELLY WADE LOTER (07)

NO. 3:16-CR-00516-D

WAIVER OF INDICTMENT

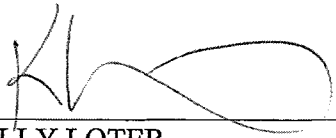
Kelly Loter, the defendant, has been advised that a one-count superseding information has been filed which accuses him of committing a violation of 18 U.S.C. § 4, that is, misprision of a felony.

The defendant, Kelly Loter, being advised of the nature of the above charges and the proposed felony information, understands the following:


1. The defendant has the right to have his case presented to a Federal Grand Jury;
2. The Grand Jury must consist of citizens of the Northern District of Texas, and the Grand Jury must consist of not more than 23 nor less than 16 citizens, 12 of whom must vote in favor of an indictment before such an indictment is returned or "true billed";
3. In order to return a "true bill" of indictment, the Grand Jury must find from the evidence presented, that there is probable cause to believe that a federal offense has been committed and that the defendant committed that federal offense;
4. The defendant may waive or give up his clear legal right to have his case presented to the Grand Jury; and
5. The defendant has discussed the right to waive or give up having his case presented to the Grand Jury with his lawyer, and his lawyer has fully explained the consequences of waiving this legal right.

After consultation with counsel, the defendant hereby voluntarily, knowingly and intelligently waives now and agrees to later waive in open court his legal right to have his case presented to a Federal Grand Jury and consents that the prosecution may proceed by superseding information rather than by indictment.

Signed this the 8th day of January, 2017.



KELLY LOTER
Defendant



DAVID FINN
Attorney for Defendant